

**Sim, Lowman, Ashton & McKay LLP**  
Barristers & Solicitors

**Sim & McBurney**  
Patent & Trade Mark Agents

6<sup>th</sup> Floor, 330 University Avenue  
Toronto, Ontario, Canada M5G 1R7

**Tel. (416) 595-1155 • Fax (416) 595-1163**

**RECEIVED**  
CENTRAL FAX CENTER

**AUG 13 2007**

**DATE: August 13, 2007**

**Your Ref: 10/524,873**

**Our Ref: 2127-53**

TO:	FAX #	PHONE #
US Patent and Trademark Office Mail Stop Petition	571-273-8300	

Total Number of Pages (Including This Page): 14

**FROM: Michael I. Stewart / (416) 849-8400**

**COMMENTS:**

We are transmitting from a Xerox Telecopier 7033, 7020 or Workcentre Pro 745 – Group 3 which are compatible with Groups 1 and 2 and fully automatic on a 24 hour basis. If any part of this message is received poorly or missing please call the telecopier operator immediately at (416) 595-1155.

### Confidentiality Notice

This message is intended only for the use of the individual person or entity to which it is addressed and may contain information that is privileged and confidential. If the reader of this message is not the intended recipient or the agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosing, copying, distributing or the taking of any action in reliance on the contents of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone (call collect) and return the original message to us at the above address via the postal service. Thank you.

PTO/SB/21 (04-07)

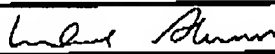
Approved for use through 09/30/2007. OMB 0951-0031


U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/524,873	
	Filing Date	February 17, 2005	
	First Named Inventor	Leonid Baltzman	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	13	Attorney Docket Number	2127-53 MIS

**RECEIVED**  
**CENTRAL FAX CENTER**  
**AUG 13 2007**

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Sim & McBurney	
Signature		
Printed name	Michael I. Stewart	
Date	August 13, 2007	Reg. No. 24,973

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Michael I. Stewart
Date	24,973

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

AUG 13 2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl'n. No. : 10/524,873  
Applicant : Leonid Beitelman  
Filed : February 17, 2005  
Title : COOLING ELECTROMAGNETIC STIRRERS  
Docket No. : 2127-53 MIS  
Customer No.: 24223  
Date : August 13, 2007

**BY FACSIMILE** 571-273-8300

Mail Stop Petition  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
U.S.A.

**PETITION FOR RECONSIDERATION OF DECISION ON PETITION**

Petition is hereby made for reconsideration of the Decision on Petition under 37 CFR 1.181 dated June 11, 2007.

The Decision on Petition indicates that applicants Petition submitted May 22, 2007 was defective in not satisfying the requirement for a Petition under 37 CFR 1.181, as set forth in the Official Gazette at 1156 OG 53, indicating Items (2) and (3) listed in the Decision on Petition were not satisfied.

With respect to Item (2), I affirm, under the signature of the undersigned, that the file jacket and docket records for this filing have been searched and no record of the Notification of Missing Requirements, apparently mailed by the PTO on September 15, 2005, has been located. A copy of the docket record for this application is enclosed.

With respect to Item (3), all Office Actions and other time-sensitive mail from the PTO and Canadian Patent Office are logged under a log book by mail personnel as soon as the envelope concerning the same is opened. It is these sheets for the relevant period in question that practitioner has provided with the Petition under 37

Application No. 10/524,873

2

CFR 1.181 dated May 22, 2007. It is believed that the information corresponds to that required by the OG Notice and this material has previously been accepted by the PTO as proof of non-receipt.

Following handling of such mail by the mailroom, the mail is delivered to secretaries assigned to the professional handling the matter. All time-related correspondence then is sent to a central due date system, where the due date is entered before being returned to the professional for action.

However, the Decision on Petition indicates that the material provided are insufficient. The Decision on Petition states:

"It appears the application has only provided a copy of the mail record for the present application."

The mail record provided was with respect of all communications received from the PTO (and Canadian Patent Office) from September 15, 2005 to October 15, 2005. The Decision goes on to recite:

"In order to satisfy this item applicant must provide a copy of the firm's entire docket record for the time period in which the non-received Office action would have been entered."

In this regard, enclosed are the docket records for all U.S. Patent Applications for which a due date was entered for the period of September 15, 2005 and October 15, 2005, from which it will be seen that there was no entry for a response to Notification of Missing Requirements on any file during the relevant period.

In addition, the Decision on Petition goes on to state:

"... applicants must provide a copy of the of the firm's entire docket record for the time period in which the non-received Office action would have been entered."

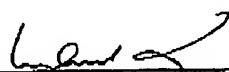
Submitted herewith are the required docket records, which do not show a response to Notification entered for the day in question.

Application No. 10/524,873

3

Having regard to the contents of this Petition and the Petition submitted May 22, 2207 and the materials submitted herewith and submitted earlier, it is submitted that practitioner's records establish non-receipt of the Notification of Missing Requirement and the Petition under 37 CFR 1.181 ought to be granted.

Respectfully submitted,

  
\_\_\_\_\_  
Michael I. Stewart  
Reg. No. 24,973

Toronto, Ontario, Canada  
Phone No.: (416) 849-8400  
FAX No.: (416) 595-1163

-----  
Client & Matter No. 02127-0053Edit Date: Jun 21/07  
-----

Client Name: ABB Inc.

Client Contact: Mr. Leonid Beitelman (correspondence address)

Client Ref. -

Case Type: P/A Country: US Orig. Case? No Foreign Assoc. S/D  
In Charge: MIS Small Entity? No PCT# CA2003/001209

Filing Date: Feb 17/05

Serial No. 10/524873

Issue No.

Filing Cert. Rec'd? No

EARLIEST PRIORITY APPLN:

Country: US

Filing Date: Aug 20/02

Serial No. 10/206182

PARENT CASE:

Subtype:

Date:

No.

Applicant: LEONID BEITELMAN ET AL.

Title: COOLING ELECTROMAGNETIC STIRRERS

Comments:

Abandon/Lapse? No

Keep in Force? No

Stdg Instr. to Pay MF? No

NRMF When Issued? No

Stop MF Reminders? No

Intl. Publication Date: Mar 04/04

Entry Date: Feb 15/05

Intl. Pub. No. WO 2004/018128

Inventors:

BEITELMAN, Leonid; SEGAL, Vladimir; CURRAN, Christopher P.

DUE DATE CHRONOLOGY:

File Application

Information Dis. Statement

Bring Forward; REPLY TO PETITION

ACTION DUE ACTION TAKEN

Feb 20/05 Feb 15/05

May 15/05 Sep 21/05

Aug 22/07 May 22/07

ACTIONS:

B/F receipt filing cert.

B/F for missing papers

Due Date; RECONSIDERATION OF PETITION

BASE DATE IR? SL? DUE DATE

Feb 15/05 No No REM Jul 15/2007

Feb 15/05 No No REM Jul 15/2007

Jun 11/07 No No DUE Aug 11/2007

-----  
 Client & Matter No. 07865-0233 Edit Date: Jun 27/07  
 -----

Client Name: Burcon NutraScience (MB) Corp.  
 Client Contact: Ms. Dorothy K.T. Law (correspondence address)  
 Client Ref. -

Case Type: P Country: US Orig. Case? No  
 In Charge: MIS Small Entity? No

Filing Date: Jan 21/05	EARLIEST PRIORITY APPLN:	PARENT CASE:
Serial No. 11/038086	Country: US	Subtype:
Issue No.	Filing Date: Jan 20/04	Date:
Filing Cert. Rec'd? Yes	Serial No. 60/537031	No.

Applicant: MARTIN SCHWEIZER ET AL.  
 Title: NOVEL CANOLA PROTEIN ISOLATE  
 Comments: BURCON NUTRASCIENCE (MB) CORP// Pub. No.: US-2005-0181112/ DIVISIONAL FILED  
 7865-249

Abandon/Lapse? No	Stdg Instr. to Pay MF? Yes
Keep in Force? No	NRMF When Issued? No
	Stop MF Reminders? Yes

Publication Date: Aug 18/05	Assign. Reg. Date: May 04/05
Assignment Reg. No. 016528/0457	
Entry Date: Jan 21/05	

Inventors:  
 SCHWEIZER, Martin; GREEN, Brent E.; SEGALL, Kevin I.; WILLARDSEN, Randy

DUE DATE CHRONOLOGY:	ACTION DUE	ACTION TAKEN
File Application	Jan 20/05	Jan 21/05
Missing Papers	May 03/05	May 03/05
Information Dis. Statement	Apr 21/05	Aug 08/05
O/A re claim restriction	Oct 15/05	Oct 12/05
Office Action - 3 Months (2nd Ext.)	Jul 01/06	Jun 27/06
Final O/A 3 month	Oct 27/06	Sep 26/06
Office Action - 3 Months (2nd Ext.)	Mar 17/07	Mar 19/07

ACTIONS:	BASE DATE	IR?	SL?	DUE DATE
Final O/A 2 month	Jun 15/07	No	No	DUE Aug 15/2007
Final O/A 3 month	Jun 15/07	No	No	DUE Sep 15/2007
Notice of Appeal	Jun 15/07	No	No	DUE Sep 15/2007
Final O/A 3 month (1st Ext.)	Jun 15/07	No	No	EXT Oct 15/2007
Notice of Appeal (1st Ext.)	Jun 15/07	No	No	EXT Oct 15/2007
Final O/A 3 month (2nd Ext.)	Jun 15/07	No	No	EXT Nov 15/2007

Notice of Appeal (2nd Ext.)

Jun 15/07 No No EXT Nov 15/2007

Final O/A 3 month (3rd Ext.)

Jun 15/07 No No EXT Dec 15/2007

Notice of Appeal (3rd Ext.)

Jun 15/07 No No EXT Dec 15/2007



-----  
 Client & Matter No. 00097-1307\* Edit Date: Jul 03/07  
 -----

Client Name: Rothmans, Benson & Hedges Inc.  
 Client Contact: Mr. George Fazekas (correspondence address)  
 Client Ref. 97-BB

Case Type: P Country: US Orig. Case? No Foreign Assoc. 172  
 In Charge: KAM Small Entity? No For. Assoc. Ref. 000417.00012

Filing Date: Mar 14/03 EARLIEST PRIORITY APPLN: PARENT CASE:  
 Serial No. 10/388218 Country: US Subtype:  
 Issue No. Filing Date: Mar 15/02 Date:  
 Filing Cert. Rec'd? Yes Serial No. 60/364137 No.

Applicant: STANISLAV M. SNAIDR ET AL.  
 Title: LOW SIDESTREAM SMOKE CIGARETTE WITH COMBUSTIBLE PAPER HAVING A MODIFIED ASH  
 Comments: ROTHMANS, BENSON & HEDGES INC.////\*CC FARYL HAUSMAN - ALL CORRES

Abandon/Lapse? No Stdg Instr. to Pay MF? No  
 Keep in Force? No NRMF When Issued? No  
 Stop MF Reminders? No

Publication Date: Feb 05/04  
 Assignment Reg. No. 014269/0937 Assign. Reg. Date: Jul 11/03  
 Entry Date: Mar 14/03

Inventors:  
 SNAIDR, Stanislav M.; BECKER, B. Robert; CHAPMAN, Steve G.

DUE DATE CHRONOLOGY:	ACTION DUE	ACTION TAKEN
File Application	Mar 15/03	Mar 14/03
B/F for missing papers	Jun 14/03	Apr 29/03
Information Dis. Statement	Jun 14/03	Apr 29/03
O/A re claim restriction (1st Ext.)	Nov 19/05	Nov 17/05
Office Action - 3 Months	May 06/06	May 04/06
Office Action - 3 Months	Oct 19/06	Oct 19/06
Office Action - 3 Months	Mar 20/07	Feb 23/07

ACTIONS:	BASE DATE	IR?	SL?	DUE DATE
Final O/A 2 month	Jun 08/07	No	No	DUE Aug 08/2007
Final O/A 3 month	Jun 08/07	No	No	DUE Sep 08/2007
Notice of Appeal	Jun 08/07	No	No	DUE Sep 08/2007
Final O/A 3 month (1st Ext.)	Jun 08/07	No	No	EXT Oct 08/2007
Notice of Appeal (1st Ext.)	Jun 08/07	No	No	EXT Oct 08/2007
Final O/A 3 month (2nd Ext.)	Jun 08/07	No	No	EXT Nov 08/2007

Notice of Appeal (2nd Ext.)

Jun 08/07 No No EXT Nov 08/2007

Final O/A 3 month (3rd Ext.)

Jun 08/07 No No EXT Dec 08/2007

Notice of Appeal (3rd Ext.)

Jun 08/07 No No EXT Dec 08/2007

-----  
Client & Matter No. 06899-0006 Edit Date: Jul 19/07  
-----

Client Name: National Research Council of Canada  
Client Contact: Ms. Margaret McKay (correspondence address)  
Client Ref. 11402-2  
PCT# CA2003/001323

Case Type: P/A Country: US Orig. Case? No Foreign Assoc. 1976  
In Charge: LAB JC Small Entity? No For. Assoc. Ref. 10914-25

Filing Date: Feb 18/05 EARLIEST PRIORITY APPLN: PARENT CASE:  
Serial No. 10/525126 Country: US Subtype:  
Issue No. Filing Date: Aug 22/02 Date:  
Filing Cert. Rec'd? Yes Serial No. 60/404922 No.

Applicant: SUSAN DOUGLAS ET AL  
Title: A GENOMIC APPROACH TO IDENTIFICATION OF NOVEL BROAD-SPECTRUM ANTIMICROBIAL  
PEPTIDES FROM BONY FISH  
Comments: NAT. PHASE OF PCT 6899-4///ASSIGNEE - NATIONAL RESEARCH COUNCIL OF  
CANADA//WAS PAR

Abandon/Lapse? No  
Keep in Force? No

Stdg Instr. to Pay MF? No  
NRMF When Issued? No  
Stop MF Reminders? No

Publication Date: May 04/06  
Assignment Reg. No. 018493/0773  
Intl. Publication Date: Mar 04/04  
Entry Date: Feb 18/05

Assign. Reg. Date: Nov 06/06  
Intl. Pub. No. WO 2004/018706

Inventors:  
DOUGLAS, Susan; GALLANT, Jeffrey; PATRZYKAT, Aleksander

DUE DATE CHRONOLOGY:  
File Application  
B/F for missing papers  
Information Dis. Statement  
O/A re claim restriction (2nd Ext.)

ACTION DUE	ACTION TAKEN
Feb 22/05	Feb 18/05
Mar 18/06	Jan 12/06
Jul 30/06	Jun 19/06
Nov 02/06	Jan 02/07

ACTIONS:  
Office Action - 3 Months  
  
Office Action - 3 Months (1st Ext.)  
  
Office Action - 3 Months (2nd Ext.)  
  
Office Action - 3 Months (3rd Ext.)

BASE DATE	IR?	SL?	DUE DATE
Mar 28/07	No	No	DUE Jun 28/2007
Mar 28/07	No	No	EXT Jul 28/2007
Mar 28/07	No	No	EXT Aug 28/2007
Mar 28/07	No	No	EXT Sep 28/2007

-----  
 Client & Matter No. 06865-0282\* Edit Date: May 24/07  
 -----

Client Name: iFire IP Corporation  
 Client Contact: Mr. Douglas H. Murray (correspondence address)  
 Alternate Contact: Mr. Jim Stiles

Client Ref. W 588

Case Type: P Country: US Orig. Case? No Foreign Assoc. 69  
 In Charge: LAB Small Entity? No

Filing Date: Aug 27/03 EARLIEST PRIORITY APPLN: PARENT CASE:  
 Serial No. 10/649282 Country: US Subtype:  
 Issue No. Filing Date: Aug 29/02 Date:  
 Filing Cert. Rec'd? Yes Serial No. 60/406661 No.

Applicant: GUO LIU ET AL  
 Title: FINE-GRAINED RARE EARTH ACTIVATED ZINC SULFIDE PHOSPHORS FOR ELECTROLUMINESCENT  
 DISPLAYS  
 Comments: \*CC J. STILES/CORRES PCT-281//IFIRE TECHNOLOGY CORP.

Abandon/Lapse? No Stdg Instr. to Pay MF? No  
 Keep in Force? No NRMF When Issued? Yes  
 Stop MF Reminders? No

Assignment Reg. No. 016693/0203 Assign. Reg. Date: Jun 16/05  
 Entry Date: Aug 18/03

Inventors:  
 LIU, Guo; KOSYACHKOV, Alexander; XU, Helen; STILES, James Alexander Robert

DUE DATE CHRONOLOGY:	ACTION DUE	ACTION TAKEN
File Application	Aug 29/03	Aug 18/03
B/F for missing papers	Nov 18/03	Oct 18/03
Information Dis. Statement	Nov 18/03	Dec 10/03
O/A re claim restriction	Jun 16/05	Jun 06/05
Office Action - 3 Months (1st Ext.)	Dec 24/05	Dec 12/05
Office Action - 3 Months	Jun 30/06	Jun 29/06
Office Action - 3 Months (1st Ext.)	Feb 06/07	Jan 12/07

ACTIONS:	BASE DATE	IR?	SL?	DUE DATE
Office Action - 3 Months	Apr 19/07	No	No	DUE Jul 19/2007
Office Action - 3 Months (1st Ext.)	Apr 19/07	No	No	EXT Aug 19/2007
Office Action - 3 Months (2nd Ext.)	Apr 19/07	No	No	EXT Sep 19/2007
Office Action - 3 Months (3rd Ext.)	Apr 19/07	No	No	EXT Oct 19/2007

Client & Matter No. 06355-0032 Edit Date: Jul 06/07

Client Name: SMART Technologies Inc.  
Client Contact: Ms. Barbara E. Munroe (correspondence address)  
Client Ref. MPA-100.1

Case Type: P Country: US Orig. Case? No Foreign Assoc. 1598  
In Charge: DAR Small Entity? No

Filing Date: Oct 01/01 EARLIEST PRIORITY APPLN: PARENT CASE:  
Serial No. 09/966733 Country: Subtype:  
Issue No. Filing Date: Date:  
Filing Cert. Rec'd? Yes Serial No. No.

Applicant: TACO VAN IEPEREN  
Title: METHOD AND SYSTEM FOR CREATING AND MANAGING SECURE SHARED WORKSPACES  
Comments: SMART TECHNOLOGIES INC./NO CP DEADLINE-DISCLOSED PER DAR

Abandon/Lapse? No Stdg Instr. to Pay MF? Yes  
Keep in Force? Yes NRMF When Issued? No  
Stop MF Reminders? Yes

Assignment Reg. No. 012434/0957 Assign. Reg. Date: Jan 07/02  
Entry Date: Oct 01/01

Inventors:  
VAN IEPEREN, Taco

DUE DATE CHRONOLOGY:

Missing Papers  
Information Dis. Statement  
Office Action - 3 Months (3rd Ext.)  
Office Action - 3 Months  
Office Action - 3 Months (1st Ext.)

ACTION DUE	ACTION TAKEN
Jan 05/02	Dec 18/01
Apr 01/02	Feb 19/02
Jun 22/05	Jun 22/05
Nov 30/05	Nov 25/05
Apr 28/06	Apr 28/06

ACTIONS:

Office Action - 3 Months (1st Ext.)  
Office Action - 3 Months (2nd Ext.)  
Office Action - 3 Months (3rd Ext.)

BASE DATE	IR?	SL?	DUE DATE
Mar 27/07	No	No	EXT Jul 27/2007
Mar 27/07	No	No	EXT Aug 27/2007
Mar 27/07	No	No	EXT Sep 27/2007